

DELEGATED REPORT

Application No:	P/24/0252
Site Address:	10 Harriet Town Troed-Y-Rhiw Merthyr Tydfil CF48 4HJ
Development:	Retrospective Change of use from Dwelling house (Use Class C3) to 3 bedroom HMO (Use Class C4)
Case Officer:	Kate Glover
Site Visit:	31st October 2024
Application Expiry Date:	14 February 2025
Consultation reply date expired:	21st November 2024

APPLICATION SITE

This application relates to a 2 storey mid-terraced dwelling with a small front yard and a rear garden. The property is located on a street known as Harriet Town, which is a street of some age, comprising of two rows of terraced housing which face each and are separated with a footpath. The footpath also provides access to the front doors of the properties and at each end of the street are areas of land which provide parking for the street. The area with the greatest availability for parking is approximately 22m west of the site and, at the other end of the street (east) there is some limited parking and this is approximately 30m from the site.

The proposal is close to bus routes and approximately 336m from Troed-Y-Rhiw railway station.

The site is located within the settlement boundary as identified by Policy SW4 of the Merthyr Tydfil Replacement Local Development Plan and its associated proposals map.

PROPOSED DEVELOPMENT

This application seeks permission for the change of use of the property from a single dwellinghouse falling under Use Class C3 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) to a House in Multiple Occupation (HMO) within Use Class C4 with 3 bedrooms.

The internal layout of the HMO comprises at ground level; 1 bedroom, communal living and kitchen areas and a bathroom, at first floor level, a second bedroom with ensuite facilities and another bathroom which serves a third bedroom which is located in the roof space.

Details of biodiversity enhancement have been provided, and 1 bat box and 1 bird box would be positioned under the eaves on the south elevation of the property.

PLANNING HISTORY

There is no relevant planning history to consider in the determination of this application.

CONSULTATION

Head of Engineering and Highways	No objection.
Planning Policy Officer	No objection.
Environmental Health Manager	No objection.
South Wales Fire and Rescue Service	No objection.
South Wales Police	No observations to make.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and two site notices were displayed within the vicinity of the site.

As a result of these publicity exercises, 7 letters of objection were received and the concerns raised are summarised below:

- The property is too small to accommodate a 3 bedroom HMO.
- Limited parking in the area and poor parking reducing spaces, impact on highway and Taff Trail.
- The application is contrary to National Planning Policy Framework Paragraph 59.
- Impact and safety of a community with young children and the elderly.
- Application is retrospective.
- Anti-social behaviour, increased noise levels, fly-tipping, general disturbances and crime in the area.
- Have asked that a fence is erected to stop overlooking into the gardens of adjoining properties.
- The property is not checked with Rent Smart Wales/landlord is not registered.
- Fire risk for occupants.
- The property is for sale as HMO.
- Property is unkempt, a bad state of repair which is impacting on neighbouring properties.
- The rent is paid for in cash.

Due to the objections received this application has been referred to the local Ward Councillors to inform them of the responses received in relation to this application. It has not been requested that the application be presented to the planning committee. As such, it will be determined under the delegated powers by the Director of neighbourhood Services.

POLICY CONTEXT

National Policy

- Paragraphs 3.3 – 3.18 refer to good design and better places.
- Paragraphs 3.3 refers to good design and states that “*...good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area.*”
- Creating sustainable development through reducing the reliance on car journeys and maximising opportunities for peoples to make more sustainable and healthy travel choice is emphasised throughout PPW. Paragraph 3.12 highlights that “*Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate*”. Paragraph 4.1.1 reiterates this noting “*The planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution*”. Similarly, Paragraph 4.1.37 notes that “*Planning authorities must direct development to locations most accessible by public transport. They should ensure that development sites which are well served by public transport are used for travel intensive uses, such as housing, jobs, shopping, leisure and services*”. In respect to car parking paragraph 4.1.51 notes “*Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport*”.

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 (LDP) are relevant to the determination of this application:

- Policy SW1 – Provision of New Homes
- Policy SW2 – Provision of Affordable Housing
- Policy SW4 – Settlement boundaries
- Policy SW9 – Planning Obligations
- Policy SW11 – Sustainable design and Placemaking
- Policy CW1 – Historic Environment
- Policy EnW1 – Nature Conservation and Ecosystem Resilience
- Policy EnW4 – Environmental Protection

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 4, Sustainable Design
- Note 5, Nature and Development

PLANNING CONSIDERATIONS

The key considerations in the assessment of this application are; the principle of the development, impact upon the character of the area, the impact upon the living conditions of neighbouring occupiers, highway safety and ecology/biodiversity.

Principle of the development

The application site is located within the defined settlement boundary where the principle of new development is generally supported and encouraged by Policy SW4 of the LDP. Whilst the residential nature of the property would change as a HMO, it would nonetheless remain a compatible use with the surrounding properties.

It has been adequately demonstrated on the submitted plans that the property is of a sufficient size to accommodate 3 bedrooms with appropriate communal areas. As such, the proposal would not result in an overdevelopment/intensification in the use of the property.

In respect of sustainability, the application site is within close proximity to local amenities which would be accessible to future occupiers via sustainable modes of transport, including bus routes and a railway station.

Given the above it is considered that the proposed development is acceptable in principle.

Character and visual impact

As noted above, at some point a rear rooflight has been inserted into the rear roof pitch. This is a minor alteration and amounts to a negligible impact on the character and visual amenity of the property. It is appreciated that properties occupied by non-family households have the potential to change the character of an area (i.e. damage social cohesion with higher levels of transient residents). However, it cannot be argued that the proposed HMO in Harriot Town would lead to an over concentration of HMO's in the street, thus resulting in significant harm, which would justify the refusal of the application on this basis.

In regards to the potential intensification of the residential use, it is noted that under the Town and Country Planning (Use Classes) Order, it allows the existing property to already be occupied by up to 6 people that form a household (defined as use class C3(c)) without requiring planning permission. Therefore, it is considered that the proposed HMO, which would accommodate 3 bedrooms, would not lead to an over-intensification of the existing residential use that may otherwise appear out of character with the neighbouring residential properties.

Therefore, the proposal would comply with LDP Policy SW11.

Residential amenity

In terms of the impact on residential amenity, it is not considered that the proposed 3 bedroom HMO would be significantly different to the existing residential use.

The proposed external and internal alterations to the property could also be undertaken at any time without the need for planning permission to provide an additional bedroom. In respect of any potential noise and disturbance concerns, a 3 bedroom HMO would not give rise to any significant change in impact from that which you might expect from a typical dwellinghouse.

An objector raises a point regarding a request to erect a fence and it is noted that the properties have permitted development rights and, therefore, a 2m high fence could be provided by either the objector or the applicant, without the need for planning permission.

It is noted that no objections have been received from the Environmental Health Manager. Accordingly, the proposal complies with LDP Policy SW11.

Highway safety/parking

The property as existing does not benefit from any on street or off street parking provision and the change in the use of the property to a HMO would not require a greater provision of parking than the existing dwelling use. As already stated in an earlier section of this report a greater level of occupancy could occur at this property without the need for planning consent.

Furthermore, Future Wales: The National Plan 2040 and PPW 12, support lower levels of off street car parking provision or developments without dedicated off street parking in appropriate locations. As the site is within the settlement boundary and given its proximity to an existing public transport routes it is considered that the stance of national policy further adds to the justification for not providing off street parking provision.

It is acknowledged that the Head of Engineering and Highways has not raised any highway safety concerns with the proposal and recognises that that a shortfall of parking provision exists, however the proposal would not differ significantly or impact on the existing situation. As such, the proposal complies with LDP Policy SW11.

Ecology/biodiversity

Policies EnW1 and EnW4 seek to ensure that green infrastructure is protected, enhanced and the effects of climate change mitigated. The proposal raises no significant concerns in this regard given the existing context and nature/extent of development proposed. The development would have minimal impact upon green infrastructure or biodiversity interests and would not have any significant impact upon climate change. The local planning authority has a duty to take action towards securing the maintenance and enhancement of the aforementioned features and to mitigate against the effects of climate change. The provision of ecological enhancements can be secured by condition, which would provide additional habitats in the local area, and therefore contribute to the wider green infrastructure objectives. Accordingly, the proposal complies with LDP Policy SW11.

Response to third party comments

The majority of the points raised as a result of the publicity exercise have been covered in the earlier sections of this report. However, it is noted that comments have been received in respect of increased fire risk, potential for antisocial behaviour and the character of potential future occupiers, and inappropriate parking. These are issues that can arise with any residential property and are not limited to that of HMO developments.

Planning controls are concerned with the use of land rather than the user and there are other measures outside of the planning system available to address fire safety, parking and antisocial behaviour, and obligations of landlords. As such, these matters fall outside the remit of the Town and Country Planning Act and are not material planning considerations in the assessment of this application. Similarly, advertisements for the sale of the property and method of payment for rent are not a material planning consideration in the determination of this planning application. Any disrepair of the property which may be impacting on adjoining properties, is a matter between the parties involved.

Any issues relating to the property and tidiness/appearance would be a separate matter for consideration by the Planning Enforcement Team.

CONCLUSION

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

For the above reasons, the proposed development is acceptable and complies with the relevant policies. Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

1. The development shall be carried out in accordance with the following approved plans:

Drawing Title: Ground Floor Plan, Drawing No: 24-113/P/02, Received on 23 October 2024.

Drawing Title: First Floor and Attic Plans, Drawing No: 24-113/P/03, Received on 23 October 2024.

Drawing Title: Existing and Proposed Elevations, Drawing No: 24-113/P/04, Rev A, Received on 01 November 2024.

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

2. **Within three months of the date of this decision notice** the bat box and bird box shall be provided in accordance with approved plan Existing and Proposed Elevations, Drawing No: 24-113/P/04, Rev A. The bat box and bird box shall be maintained as such in perpetuity.

Reason - In the interest of biodiversity in accordance with the requirements of Planning Policy Wales 12, The Environment Wales Act and Policy EnW4 of the Merthyr Tydfil Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 14.02.2025